

REMARKS/ARGUMENTS

Claims 1-14 were examined.

Claim 1 is amended and new claims 15-20 are added. Support for the amendments to claim 1 is found, for example, at page 16, paragraph 57; page 17, paragraphs 58-60; figure 11; and elsewhere in the specification and claims as originally presented.

Support for the new claims is found, for example, at page 4, paragraph 10; at page 6, paragraph 31 and 33; at page 9, paragraph 41; at page 10, paragraph 42; at page 12, paragraphs 46-48; in Figs. 1a, 1b, 4b, 4c, 7, and 11; and elsewhere in the specification and claims as originally presented.

No new matter is introduced by way of the claim amendments or new claims.

Claim Rejections - 35 U.S.C. §112

Claims 1-14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants traverse these rejections.

Claim 1 has been amended to more clearly point out the differences between the actions of step (c) and step (d).

Claim 1 has been amended to delete mention of "the peri-infarct region."

Claim 1 has been amended to make clear that the target region comprises infarcted myocardial tissue, and thus that the "infarcted myocardial tissue" of step (d) is within the target region.

Accordingly, Applicants submit that the rejections of claims 1-14 under 35 U.S.C. § 112, second paragraph are overcome.

Claim Rejections - 35 U.S.C. §102

Claims 1, 2, 6, 7, 8, 9 and 12 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by Lafontaine (U.S. Patent No. 6,343,605). However, Lafontaine lacks elements of the claims invention.

For example, Lafontaine lacks disclosure of an implantable device configured to physically modify the mechanical properties of myocardial tissue by providing localized reinforcement of infarcted myocardial tissue. In addition, Lafontaine lacks disclosure of providing an electrical impulse from an electrode that travels through infarcted myocardial tissue while at the same time an implantable device acts to physically modify the mechanical properties of that tissue and limits motion in the infarct region.

Lacking these and other elements of the claimed methods, Lafontaine fails to anticipate claim 1. All other claims being dependent from claim 1, Lafontaine also fails to anticipate claims 2, 6, 7, 8, 9 and 12 .

Accordingly, Applicants submit that the rejections of claims 1, 2, 6, 7, 8, 9 and 12 under 35 U.S.C. § 102(e) are overcome.

Claim Rejections - 35 U.S.C. §103

Claims 3, 4, 5, 10, 11, 13 and 14 stand rejected under 35 U.S.C. §103(a) as allegedly obvious over Lafontaine and in view of other references, the Examiner suggesting that Lafontaine cites all of the features of these claims except for certain features identified by the Examiner with respect to each of these claims.

Applicants traverse the suggestion that Lafontaine teaches all of the features of these claims except for the identified features. As discussed above with respect to the rejections under 35 U.S.C. § 102, Lafontaine lacks any teaching or suggestion of many elements of claim 1 and its dependent claims. Applicants note that none of the

references cited by the Examiner provide any of these missing elements . For example, neither Lafontaine nor any of the cited references, nor any combination of these, discuss or suggest an implantable device that is configured to physically modify the mechanical properties of myocardial tissue by providing localized reinforcement of infarcted myocardial tissue. Neither Lafontaine nor any of the cited references, nor any combination of these, discuss or suggest providing an electrical impulse through infarcted myocardial tissue while an implantable device physically modifies the mechanical properties of that tissue and limits motion in the infarct region.

The cited references also fail to provide any suggestion or motivation to provide these or other elements of the claimed invention. Moreover, lacking any discussion or suggestion of these and other elements of the claimed invention, no combination of the cited references provides any reasonable expectation of success for the claimed invention.

Thus, lacking any suggestion of many elements of the claimed invention, lacking any suggestion or motivation to provide such elements of the claimed invention, and lacking any teaching of a reasonable expectation of success for the claimed invention, Lafontaine in view of the cited references fails to make obvious the claimed invention. Accordingly, Applicants submit that the rejections of claims 3, 4, 5, 10, 11, 13 and 14 under 35 U.S.C. §103(a) are overcome.

CONCLUSION

The above amendments and arguments are believed to overcome the pending rejections, and the claims are believed to be in allowable form. Early notification of allowance of all pending claims is respectfully requested.

Should there be any further issues outstanding, the Examiner is invited to contact the undersigned attorney at the telephone number shown below.

Please charge any additional fees, including fees for a three-month extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney's Docket No. 42359-0009).

Respectfully submitted,

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